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SUBJECT: OAXACA: MORE OF THE SAME, LITTLE CHANGE

11. (U) Summary: On 7-9 October, Poloff visited Oaxaca state and met with a representative from civil society, the President of the State Human Rights Commission, and various government officials, including Governor Ulises Ruiz. Two years after the unrest in 2006, the rift between human rights organizations and Oaxacan officials is still firmly intact and few efforts have been made by either side to repair the damaged relationship. Calling attention to the fact that 47 of the poorest 100 municipalities in Mexico are located in Oaxaca, local officials claim budgetary constraints handicap their efforts to address human rights. Despite its financial woes, the Oaxacan government has implemented several projects through its Plan for Sustainable Development, including an economic stimulus initiative, greater social services to isolated indigenous communities, and increased public security measures. End Summary.

Oaxaca From the Governor's Window

12. (U) Oaxaca State Governor Ulises Ruiz admitted freely that Oaxaca was one of the poorest states in the Republic. He maintained that despite historical neglect on behalf of Oaxaca state officials, his administration sought to stimulate the economy and more importantly, to restore the tourist industry on which the Oaxacan economy heavily depended. Although he did not highlight any specific projects, he made a point to mention that under his administration, the government implemented several rural and urban development projects. The biggest challenge to consistent development, he lamented, was Oaxaca's diverse landscape which made some rural communities difficult to access and limited financial resources. Dr. Elizabeth Hernandez Reyes from the State Institute of Indigenous Affairs said that since 2005, the government had initiated 160 rural development projects. Of this 160, 75 were initiated in 2005, 39 in 2006, 28 in 2007 and 28 since January of 2008. Seventy-five percent of the funding for these projects, according to Hernandez, was specifically targeted at the most affected indigenous areas and included economic, social, infrastructure, cultural, communication and natural resource development.

13. (U) Ruiz underscored the success of the oral trials process in Oaxaca, distinguishing the oral trials in Oaxaca from those in the US by the fact that the Oaxacan system relied on a group of three justices, rather than a jury, to determine a suspect's guilt or innocence. Ruiz credits the success of oral trials in Oaxaca to the state's long-standing tradition of tribal courts. (Note: Of the 546 municipalities in Oaxaca, 434 are occupied predominately by indigenous groups that adhere to traditional customs and practices in judicial and electoral matters.) Currently, it takes about three months, and no more than nine months, from the time a suspect is arrested for his or her case to be brought to trial. However, Ximena Avellaneda, Director of the Rosario Castellanos Shelter for Women, said the expedited process made possible through the oral trials systems did not, however, have a trickle down effect, particularly for women who file domestic violence complaints against their spouses. Jacobo Ruiz Quiroz, Attorney for Indigenous Defense, said

that the state's Plan for Sustainable Development 2004-2010 included an initiative to release indigenous prisoners from jail provided that their crimes were not serious offenses. The purpose of this initiative is to promote family reunification and to ease overcrowding in the state's prison system. Since 2004, more than 7,000 indigenous prisoners have been released from prison through this initiative and of those released, 59 percent had been convicted of either assault, robbery or causing damage to personal property.

The State Human Rights Commission and Civil Society

14. (U) Although the Oaxaca State Human Rights Commission is an autonomous body, prior to a law passed during December 2007 the state's legislature appointed the organization's president from the governor's suggested list of candidates. Since the new law was passed nearly a year ago, congress now appoints the incoming president in consultation with the Commission's consultative board, according to current President Dr. Heriberto Antonio Garcia. Garcia claimed that as a result of the legislative reform, the Commission's consultative board had become more transparent, incorporating greater participation from both civil society and academia. Despite claims of complete autonomy, the Commission relies exclusively on the Oaxacan Congress for its operational budget. Since the year's inception, the Commission has issued 14 recommendations against local authorities and 13 were accepted. Because the Commission's recommendations are not legally binding, Heriberto said the Commission had, in the past, launched media campaigns against officials who refused to accept recommendations as a means to publicly shame them into compliance.

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15. (U) Garcia also said that since 2006 the relationship with civil society had been strained but that the Commission had made several recent attempts to overcome the rift. He admitted, however, that the response from civil society had not been overwhelming. Avellaneda echoed Garcia's statement, saying that civil society not only had very little interaction with the State Human Rights Commission but also with Oaxacan officials. She criticized the government for not proactively implementing existing laws designed to protect the rights of women and young girls. Avellaneda said judges and police officials desperately needed sensitivity training not only related to women's issue but to general human rights issues. Avellaneda lamented that many civil society organization were so financially strapped that they had begun to pool resources in order to maximize effectiveness.

SSP, PGJ and SEGOB Share Their Views on Oaxaca's Human Rights Situation

16. (U) With 3.6 million inhabitants, 16 indigenous groups, and 570, or 24 percent, of the country's municipalities, Secretary of Government Manuel Garcia said one of Oaxaca's greatest challenges to promoting human rights was linked to structural problems. In addition to poor infrastructure, Garcia said 47 of Mexico's 100 poorest municipalities were located in Oaxaca state and that the government's efforts to deal with other structural problems such as the inadequate public education and health systems, high levels of employment, and substandard public housing often sidetracked its human rights efforts. Land conflicts, he lamented, were also a common problem, particularly since 85 percent of the state's land is considered communal property. Garcia also said women in 27 indigenous communities still were not allowed to vote despite suffrage laws affording all citizens the right to participate in the electoral process. (Note: Only 152 of Oaxaca's 570 municipalities have adopted the political party system while the others adhere to a system of traditional customs and practices.)

17. (U) SSP Commissioner Javier Rueda Velasquez said striking

a balance between protecting human rights and ensuring citizen protection presented a significant challenge for local law enforcement. In addition to implementing the oral trials system, Rueda said a state law passed in September consolidated Oaxaca's law enforcement agencies under one central command with the goal of improving overall effectiveness and capacity. He also mentioned that Oaxacan police officials must now undergo psychological examinations, polygraph testing, and toxicology screenings in order to maintain employment. State Attorney General Evencio Martinez Ramirez said the State Attorney's Office (PGJ) had been conducting human rights training for local officials but that no officials statistics were available. He also admitted that there was very little coordination between civil society and the government regarding human rights issues and mentioned that while the PGJ respected the National Human Rights Commission's (CNDH) recommendation regarding the Brad Will case, he thought the report was biased.

18. (U) Comment: After some trepidation regarding Poloff's visit, Oaxacan officials were open and willing to discuss the state's human rights situation. It was, however, obvious that the state is still deeply divided after the unrest of 2006 and that the wounds of mistrust between civil society, the State Human Rights Commission, and government officials continue to run deep. Clearly, the different sides have proven incapable, to date, of joining efforts to address human rights concerns together. While it is commendable that both the government and civil society are beginning to acknowledge the importance of promoting an international standard of human rights in Oaxaca, it is evident that this acknowledge will not lead to definitive solutions until both sides agree to work together more effectively and transparently

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